

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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S.D. OF N.Y.

KEENAN LEWIS

Plaintiff, (Pro-se),

-against-

COMPLAINT

JURY TRIAL DEMANDED

(CIVIL NO.: _____ CV _____)

THE CITY OF NEW YORK,
THE NEW YORK CITY POLICE DEPARTMENT,
AND P.O. ANDREW NASH, Shield #11510,
Individually and in his Official
Capacity,

Defendant's.

16CV7921

Plaintiff, KEENAN LEWIS, acting Pro-se and complaining of
the defendant's, respectfully alleges as follows:

PRELIMINARY STATEMENT

1. Plaintiff brings this action for compensatory damages, punitive damages and attorney's fees pursuant to 42 U.S.C. §1983 and 42 U.S.C. §1988 for violations of his civil rights, as said rights are secured by said statutes and the Constitutions of the State of New York and the United States.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C. §1983 and 42 U.S.C. §1988, and the Fourth and Fourteenth Amendments to the United States Constitution.

3. Jurisdiction is founded upon 28 U.S.C. §§ 1331, 1343 and 1367.

VENUE

4. Venue is properly laid in the Southern District of New York under 28 U.S.C. § 1391(b), in that this is the District in which the claim arose.

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5. JURY DEMAND

Plaintiff Respectfully demands a trial by jury of all issues in this matter pursuant to Fed.R.Civ.P. 38(b).

6. PARTIES

Plaintiff Keenan Lewis is an African-American and has been at all relevant times a resident of the City of New York.

7. Defendant, THE CITY OF NEW YORK, was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.
8. Defendant, THE CITY OF NEW YORK, maintains the New York City Police Department, a duly authorized public authority and/or police department, authorized to perform all functions of a police department as per the applicable sections of the New York State Criminal Procedure Law, acting under the direction and supervision of the aforementioned municipal corporation, The City of New York.
9. At all times hereinafter mentioned, the individually named defendant's and defendant, P.O. ANDREW NASH, SHIELD #11510, is a duly sworn police officer of said department and was acting under the supervision of said department and according to their official duties.
10. At all times hereinafter mentioned the defendants, either personally or through their employees, were acting under color of State Law and/or in compliance with the official rules, regulations, laws, statutes, customs, usages and/or practices of the State or City of New York.
11. Each and all of the acts of the defendants alleged herein were done by said defendants while acting within the scope of their employment by defendant, THE CITY OF NEW YORK.
12. Each and all of the acts of the defendants alleged herein were done by said defendants while acting in the furtherance of their employment by defendant, THE CITY OF NEW YORK.

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COMPLAINT:

FACTS, NATURE OF CLAIM

(SEE EXHIBIT -A) MISDEANOR COMPLAINT NEW YORK COUNTY BY DEFENDANT

P.O. ANDREW NASH SHIELD # 11510 DATED 9/5/14

#13.)) THE ACCUSATORY PART OF THIS COMPLAINT BY P.O NASH ACCUSES THE PLAINTIFF OF THE FOLLOWING CHARGES. P.L 190.25(1) CRIMINAL IMPERSONATION IN THE SECOND DEGREE. V.T.L 511(1)(a) AGGRAVATED UNLICENSED OPERATING OF A MOTOR VEHICLE IN THE THIRD DEGREE, AND V.T.L. 509(1). ALSO INTER-ALIA, THAT ON OR ABOUT SEPT. 5th 2014 AT ABOUT 5PM AT THE SOUTH WEST CORNER OF CHISUM PLACE & WEST 142nd STREET IN THE COUNTY AND STATE OF NEW YORK, DEFENDANT IMPERSONATED ANOTHER AND ACTED IN SUCH ASSUMED CHARATER WITH INTEND TO OBTAIN AND BENIFIT, AND TO INJURE AND DEFRAUD ANOTHER, THE DEFENDANT OPERATED A MOTOR VEHICLE UPON A PUBLIC HIGHWAY WHEN HAVING REASON TO KNOW THAT HIS LICENCE AND PRIVILEGE OF OPERATING SUCH VEHICLE IN THIS STATE/ AND HIS PRIVILEGE OF OBTAINING SUCH LICENSE WAS SUSPENDED AND REVOKED, THE DEFENDANT OPERATED A MOTOR VEHICLE UPON A PUBLIC HIGHWAY AND UPON A SIDEWALK AND TO AND ON A LOT ADJACENT TO A PUBLIC GARAGE, SUPERMARKET, SHOPPING CENTER AND ON CAR WASHING ESTABLISMENT AND TO AND FROM INTO A PUBLIC GARAGE AND CAR WASHING ESTABLISMENT WITHOUT BEING DULY LICENSED,

THE FACTUAL PART OF THIS COMPLAINT
BY P.O.NASH STATES THE FOLLOWING UNDER OATH

I OBSERVED THE DEFENDANT DRIVING A BLACK 2011 B.M.W SADAN WESTBOUND ON WEST 14th STREET, AND THAT THE KEY WAS IN IGNITION, THE ENGINE WAS

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COMPLAINT:

I KNOW THAT THE DEFENDANT KNEW HIS PRIVILEGE OF OBTAINING
A LICENSE AND/OR OPERATING A MOTOR VEHICLE WAS SUSPENDED
BECAUSE THE COMPUTER CHECK REVEALED THAT HIS PRIVILEGE
OF OPERATING A MOTOR VEHICLE WAS SUSPENDED FOR FAILURE TO
ANSWER A NEW YORK SUMMONS AND ALL SUCH SUMMONS HAVE PRINTED
ON THEM, "IF YOU DO NOT ANSWER THIS TICKET BY MAIL WITHIN-
FIFTEEN DAYS YOUR LICENSE WILL BE SUSPENDED". THE SUSPENSION
OCCURS AUTOMATICALLY(BY COMPUTER)WITHIN FOUR WEEKS OF THE
DEFENDANT'S FAILURE TO ANSWER.

#14.)

AS A RESULT OF THIS ACCUSATORY INSTRUMENT AND ARREST ON
SEPTEMBER, 5th, 2014 THE PLAINTIFF BAIL ON A UNRELATED CHARGE
ISSUED ON FEBRUARY, 22nd, 2014 WAS REVOKED ON SEPTEMBER, 17th,
2014 AND PAROLE DETAINED ME UP UNTIL, JUNE, 16th, 2015.

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- 15.) IN FEBRUARY OF 2015 PLAINTIFF RECEIVED A DISORDERLY CONDUCT VIOLATION FOR THE SEPTEMBER, 5th, 2014 COMPLAINT. PAROLE WOULD NOT LIFT THE PAROLE WARRANT UNTIL JUNE, 29th, 2015 AND ON JULY 1st, 2015 THE PLAINTIFF WAS RELEASED ON A SECURED BAIL. YET, STILL HELD ON THE WARRANT. A PAROLE JUDGE BELTRANI REFUSED TO THIS JUDGE CLAIMED THAT PLAINTIFF HAD A VIOLATION FELONY PENDING, WHICH FORCED PLAINTIFF TO A K-CALENDAR.
- 16.) THE NEW YORK STATE DIVISION OF PAROLE HELD PLAINTIFF PAST HIS PAROLE MAY DATE OF MARCH, 14th, 2015 EVENTHOUGH THEY WERE AWARE OF THE DISORDERELY VIOLATION AND TERMINATION OF MISDEMEANOR CHARGES.
- 17.) (SEE: EXHIBIT-"B") "AFFIDAVIT IN SUPPORT OF SEARCH WARRANT" DATED AND SIGNED UNDER OATH, JANUARY, 13th, 2015 BY P.O. ANDREW NASH (SHEILD-#11510 (5 of 5 PAGES.))
- (SEE: EXHIBIT-"C") "SEARCH WARRANT" DATED: JANUARY, 13th, 2015 BY HON. R. CARRUTHERS.

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PAROLE OFFICER NASH COMMITTED PERJURY WHEN MAKING THIS AFFIDAVIT IN SUPPORT OF SEARCH WARRANT(SEE EXHIBIT-"B")WHEN THIS COURT COMPARES THE ACTUAL MISDEMEANOR COMPLAINT(EXHIBIT-"A") BY P.O. NASH,WHICH DETAILS FACTUAL SWORN ALLEGATIONS CONCERNING PROBABLE CAUSE FOR THE DEBOUR INQUIRY[1] QUOTING:"I OBSERVED THE DEFENDANT DRIVING A BLACK 2011(BMW) SEDAN WESTBOUND ON WEST 144th STREET,THAT THE KEY WAS IN THE IGNITION[2] THE ENGINE WAS RUNNING AND THE DEFENDANT BEHIND THE WHEEL". THIS COMPLAINT IS NOT ONLY BASED ON"HEARSAY ALLEGATIONS" (C.P.L.#100.40(c) YET, IS SIMPLY INSUFFICIENT ON ITS FACE. (C.P.L.#100.15 Subd(3) (NEW YORK McKINNEY'S).

18.) THEN COMPARES THE SWORN ALLEGATIONS CONCERNING PROBABLE CAUSE LISTED IN THE SEARCH WARRANT AFFIDAVIT(EXHIBIT-"B") QUOTING PAGE#2 PARAGRAPH(8-A) AND PAGE#3) BY P.O.NASH," I AM PARTICIPATING IN A LONG TERM INVESTIGATION RELATING TO STOLEN CREDIT CARD NUMBERS

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BEING USED TO ACQUIRE AND SUBSEQUENT RENT VARIOUS VEHICLES. ON
SEPTEMBER, 5th, 2014 AT APPROXIMATELY 5:15 p.m. IN THE VICINITY
OF WEST 144th STREET AND LENNOX AVENUE. I OBSERVED A 2011 BLACK
(BMW) 5 SERIES LICENSE PLATE#GRN8887 HEREINAFTER THE TARGETED
VEHICLE" SINCE THE REAR LICENSE PLATE WAS IMPROPERLY DISPLAYED
I PULLED THE TARGET VEHICLE OVER".

[1.] SEE, PEOPLE v. DEBOUR" 386 N.Y.S.2d 375-1976

[2.] IT SHOULD BE NOTED THAT THIS VEHICLE DOES NOT HAVE A KEY
IGNITION.

(19.)

POLICE OFFICER NASH COMPLETELY CHANGED UP HIS REASON FOR PULLING
THE VEHICLE OVER MAKING AN INQUIRY PURSUANT TO PEOPLE V DEBOUR (SUPRA)
P.O NASH FORGOT ABOUT THE REAR LICENSE PLATE IN THE MISDEMEANOR
COMPLAINT, WHICH WAS IMPROPERLY DISPLAYED" HOWEVER CREATED A LIE
ABOUT THE VEHICLE HAVING A KEY IGNITION, THIS CONSTITUTE PERJURY
AND P.O. NASH CREDIBILITY IS NOW IN QUESTION AND THAT IS MOST LIKELY
WHY THE (ADA) GAVE UP THE MISDEMEANOR PROSECUTION.

FIRST CLAIM FOR RELIEF DEPRIVATION
OF FEDERAL RIGHTS UNDER 42 U.S.C §1993

- #20 PLAINTIFF REPEATS, REITERATES AND REALLEGES EACH AND EVERY ALLEGATION CONTAINED IN PARAGRAPHS NUMBERED "1" THROUGH "19" WITH THE SAME FORCE AND EFFECT AS IF FULLY SET FORTH HEREIN.
- #21 ALL OF THE AFOREMENTIONED ACTS OF DEFENDANT, THEIR AGENTS, SERVANTS
- #22 ALL OF THE AFOREMENTIONED ACTS DEPRIVED PLAINTIFF KEENAN LEWIS* OF THE RIGHTS, PRIVILEGES AND IMMUNITIES GUARANTEED TO CITIZENS OF THE UNITED STATES OF AMERICA, AND IN VIOLATION OF 42 U.S.C. §1983.
- #23 THE ACTS COMPLAINED OF WERE CARRIED OUT BY THE AFOREMENTIONED INDIVIDUAL DEFENDANT IN THEIR CAPACITIES AS POLICE OFFICERS WITH ALL THE ACTUAL AND/OR APPARENT AUTHORITY ATTENDANT THERETO.
- #24 THE ACTS COMPLAINED OF WERE CARRIED OUT BY THE AFOREMENTIONED INDIVIDUAL DEFENDANT IN THEIR CAPACITIES AS POLICE OFFICERS, PURSUANT TO THE CUSTOMS, USAGES, PRACTICES, PROCEDURES, AND THE RULES OF THE CITY OF NEW YORK AND THE NEW YORK CITY POLICE DEPARTMENT ALL UNDER THE SUPERVISION OF RANKING OFFICERS OF SAID DEPARTMENT.
- #25 DEFENDANT, COLLECTIVELY AND INDIVIDUALLY, WHILE ACTING UNDER COLOR OF STATE LAW, ENGAGED IN CONDUCT WHICH CONSTITUTED A CUSTOM, USAGE, PRACTICE, PROCEDURE OR RULE OF THE RESPECTIVE MUNICIPALITY/AUTHORITY

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--WHICH IS FORBIDDEN

BY THE CONSTITUTION OF THE UNITED STATES.

"SECOND CLAIM FOR RELIEF-
FALSE ARREST AND FALSE IMPRISONMENT UNDER U.S.C.
#1983"

26.) PLAINTIFF REPEATS, REITERATES AND ALLEGES EACH AND EVERY ALLEGATION CONTAINED IN PARAGRAPHS NUMBERED "1" THROUGH "25" WITH THE SAME FORCE AND EFFECT AS IF FULLY SET FORTH HEREIN.

27.) AS A RESULT OF THE AFORESAID CONDUCT BY DEFENDANTS, PLAINTIFF WAS SUBJECTED TO ILLEGAL, IMPROPER AND FALSE ARREST BY THE DEFENDANTS, TAKEN INTO CUSTODY, AND CAUSED TO BE FALSELY IMPRISONED, DETAINED, AND CONFINED, WITHOUT ANY PROBABLE CAUSE, PRIVILEGE OR CONSENT.

28.) AS A RESULT OF THE FOREGOING, PLAINTIFF'S LIBERTY WAS RESTRICTED FOR AN EXTENSIVE PERIOD OF TIME, HE WAS PUT IN FEAR FOR HIS SAFETY AND HE WAS HUMILIATED AND SUBJECTED TO HANDCUFFING AND OTHER PHYSICAL RESTRAINTS, WITHOUT PROBABLE CAUSE.

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COMPLAINT:

"THIRD CLAIM FOR RELIEF
MALICIOUS PROSECUTION UNDER 42 U.S.C.#1983"

- #29.) PLAINTIFF REPEATS, REITERATES AND REALLEGES EACH AND EVERY ALLEGATION CONTAINED IN PARAGRAPHS NUMBERED "1" THROUGH "28" WITH THE SAME FORCE AND EFFECTS AS IF FULLY SET FORTH HEREIN.
- #30.) DEFENDANTS MISREPRESENTED AND FALSIFIED EVIDENCE BEFORE THE NEW YORK COUNTY DISTRICT ATTORNEY.
- #31.) DEFENDANTS DID NOT MAKE A COMPLETE AND FULL STATEMENT OF FACTS TO THE DISTRICT ATTORNEY.
- #32.) DEFENDANTS WITHHELD EXCULPATORY EVIDENCE FROM THE DISTRICT ATTORNEY.
- #33.) DEFENDANTS WERE DIRECTLY AND ACTIVELY INVOLVED IN THE INITIATION OF CRIMINAL PROCEEDINGS AGAINST PLAINTIFF KEENAN LEWIS.*
- #34.) DEFENDANTS LACKED PROBABLE CAUSE TO INITIATE CRIMINAL PROCEEDINGS AGAINST PLAINTIFF KEENAN LEWIS.*
- #35.) DEFENDANTS ACTED WITH MALICE IN INITIATING CRIMINAL PROCEEDINGS AGAINST PLAINTIFF KEENAN LEWIS.*
- #36.) DEFENDANTS WERE DIRECTLY AND ACTIVELY INVOLVED IN THE CONTINUATION OF CRIMINAL PROCEEDINGS AGAINST PLAINTIFF KEENAN LEWIS.*

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- #38.) DEFENDANTS ACTED WITH MALICE IN CONTINUING CRIMINAL PROCEEDINGS AGAINST PLAINTIFF KEENAN LEWIS.*
- #39.) DEFENDANTS MISREPRESENTED AND FALSIFIED EVIDENCE THROUGHOUT ALL PHASES OF THE CRINAL PROCEEDINGS, SPECIFICALLY DEFENDANTS FALSLY ALLEGED PLAINTIFF HAD KEY IN IGNITION AND IMPROPERLY DISPLAYED LICENSE PLATE.
- #40.) NOTWITHSTANDING THE PERJURIOUS AND FRAUDULENT CONDUCT OF DEFENDANTS THE CRIMINAL PROCEEDINGS WERE TERMINATED IN PLAINTIFF FAVOR ON OR ABOUT JUNE, 16th, 2015 WHEN THE CHARGES AGAINST HIM WERE LOWERED TO A DISORDERLY CONDUCT.
- #41.) AS A RESULT OF THE FOREGOING PLAINTIFF LIBERTY WAS RESTRICTED FOR AN EXTENDED PERIOD OF TIME, HE WAS PUT IN FEAR OF HIS SAFETY, AND HE WAS HUMILIATED AND SUBJECTED TO HANDCUFFING AND OTHER PHYSICAL RESTRAINTS WITHOUT PROBABLE CAUSE.

#42.) INJURIES CLAIMED

As A Result of this False Arrest and Incarceration, including the Judicial Process of Plaintiff's Bail Status being Revoked. The New York State Division of Parole violated this Plaintiff and the cause of that violation was this arrest. That Violation was dismissed, yet, the State Division of Parole, Through Ministerial Negligence

-and the Parole Judge, would not lift the Parole Hold and left the Plaintiff on a (K-Calendar). As a result, the full arrest and detention related to this case lasted over 179 Days. That no warrant existed and as was previously stated, the prosecution was terminated. P.O. Nash committed perjury and tailored arrest events. (SEE: PEOPLE V. GARAFLO, 353 NYS2d 500).

P.O. Nash continued to investigate and manufacture other charges by changing up the arrest event's. Moreover, lied about the events within the Misdemeanor Complaint. (SEE: C.P.L. §100.15(3), §100.40(C.)).

The District Attorney committed prosecutorial misconduct by not correcting these false statements and by over-looking these false allegations, also had a duty to correct them. Yet, continued to prosecute this Plaintiff.

#43.) DAMAGES REQUESTED: The Plaintiff is requesting Attorney's Fees, and Punitive Damages, including, Compensatory and Monetary Damages in the Amount of \$1,000.000.00, FOR EACH DEFENDANT AND CAUSE OF ACTION LISTED, to be determined by this Court, Including Each Constitutional Violation.

I Declare under penalty of perjury that the foregoing is true and correct. Signed This 26 Day of September, 2016.

Mr. Keenan Lewis, Pro-se

Keenan Lewis

I, Keenan Lewis, declare under penalty of perjury that on this 26 day of September, 2016, I am Mailing, One Original and Two Copies of said complaint, with attached exhibits inside of one envelope to The Pro-se Office of the United States District Court For The Southern District of New York, 500 PEARL ST, NY NY 10007.

28 U.S.C. 1746

Keenan Lewis
Signature